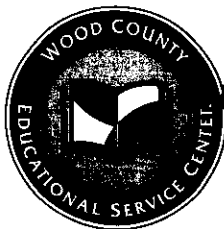
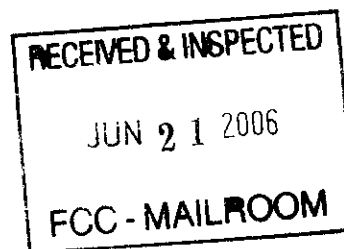


June 16, 2006

Federal Communications Commission
Office of Secretary
445 12th Street, SW
Room TW-A325
Washington, DC 20554



CKET FILE COPY ORIGINAL



Federal Communications Commission
Office of Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

Dear Sir or Madam:

APPELLANT NAME: Wood County Educational Service Center **BEN:**16024153
471 APPLICATION #: 463990 **Billed Entity FCC #:** 001172608 **471 Identifier:** WCESC-471-05
Funding Request Number: 1284500 **Service Provider SPIN:** 143028362 (McEwan and Co)
Funding Request Number: 1311052 **Service Provider SPIN:** 143020095 (BSB Communications)

CC Docket No 96-45

CC Docket No. 02-6

RATIONALE for appeal process based upon recent FCC generalized comments:

The FCC is now directing USAC to complete its review of these applications within 60 days of this Order. While the FCC estimates that appeals granted in this Order involve applications for approximately \$68 million in funding for Funding Years 1999-2005, the FCC stated that this Order will have a minimum effect in the overall Universal Service Fund because the monies for these appeals have already been collected and held in reserve.

The FCC found that „there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements.%. The FCC further argued that „denial of funding requests inflicts undue hardship on the applicants and in these cases, we find that the applicants have demonstrated that rigid compliance with the application procedures does not further the purposes of section 254(h) or serve the public interest.%.“

Not only did these applicants win their appeals, but the FCC gave USAC additional processing directives. These include:

We direct USAC to modify its application review procedures as of the effective date of this Order to better inform applicants of approaching FCC Form 486 filing deadlines and also provide a 15-day opportunity to file the form if the applicant has missed the deadline.

As the effective date of this Order, we require USAC to provide all E-rate applicants with an opportunity to cure ministerial and clerical errors on their FCC Form 470 or FCC Form 471, and an additional opportunity to file the required certifications.

USAC shall inform applicants promptly in writing of any and all ministerial or clerical errors that are detected in their applications, along with a clear and specific explanation of how the applicant can remedy those errors.

USAC shall also inform applications promptly in writing of any missing or incomplete certifications.

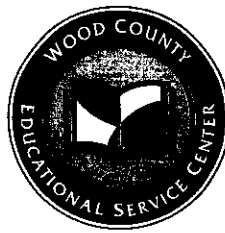
Applicants shall have 15 calendar days from the date of receipt of notice in writing by USAC to amend or refile their FCC Form 470, FCC Form 471 or associated certifications.

USAC shall apply this directive to all pending applications and appeals even if such applications or appeals are no longer within the filing window. The 15-day period is limited enough to ensure that funding decisions are

419 364 9010
419 364 9011

419 364 9010
419 364 9011
419 364 9012

No. of Copies rec'd
List ABOVE



not unreasonably delayed for E-rate applicants and should be sufficient time to correct truly unintentional ministerial and clerical errors.

USAC shall also develop a more targeted outreach program and educational efforts to inform and enlighten applicants on the various application requirements, including the application and certification deadlines, in an attempt to reduce these types of errors.

USAC shall develop a targeted outreach program designed to identify schools and libraries that have timely posted an FCC Form 470 on USAC's website but have failed to file the associated FCC Form 470 certification. USAC should also notify applicants that have filed an FCC Form 470, but have failed to file an FCC Form 471 or its certification by the close of the filing window.

The FCC will continue to take steps to reform and improve the E-rate program as part of the *Comprehensive Universal Service Review NPRM*.

RATIONALE presented to USAC and denied on May 15, 2006

Wood County ESC is asking for an appeal decision on the two FRN's listed above (1284500 and 1311052) based upon the fact that the PIA reviewer USAC did not take into consideration a "typo error" which made the contract dates appear to be out of the acceptable window of time as defined by application standards. Documentation was submitted that a fax was sent to McEwen and Company on February 16th of which Mr. McEwen signed that day. The contract letter did have a clerical error showing the contract date of February 17th. This entered date on the contract was a clerical mistake made by Ed Helmlinger who completed all of the work necessary to complete and file the 471 form. Documentation of the date produced by the fax machine is actually on February 16th, 2005. Mr. McEwen asked me if the document had to be faxed back on February 16th, and my reply was not necessarily. As long as he signed the contract immediately (2/16/05), he could send it to me at a later date. Regardless of the date he returned a faxed copy of the contract to WCESC, the clerical error to date entry and fax return should be of no significance. I know and assure that the signing date of 2/16/05 is correct because I was on the phone with him as he received our fax. The clerical error was made by a 12 hour time clock error that was on the computer I was using. Rather than the time being in the PM of 2/16 it was on an AM setting twelve hours earlier. The date on the contract is an "autoenter" feature of all the forms I use to complete the 471 application process.

This is evident for the following reasons:

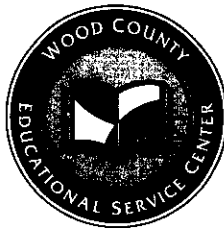
- a. The attached copy of the postal certified mail receipt dated on 2/16/05:
- b. The attached copies of faxed contracts to McEwen and Company with the fax date of 2/16/05 and contract header date of 2/17/05 (the clerical error.) The contract for BSB communications was signed in person by Rick Biddle on 2/16/05 even though the contract header date is 2/17/05, as well.

Wood County Educational Service Center
1000 1st Street, Suite 100
Wood County, WI 53090

414.354.8000

414.354.1100 fax

www.wcesc.org



- c. I completed all assurance signature, mailed the 471 application and had contracts signed on February 16, 2005. I did not want to make a mistake and not have specific pieces of the paperwork all done at one time.
- d. This was my way of assuring that all paperwork was completed prior to mailing form 471.
- e. I provided copies of the three contracts to Nancy Fontana in January, 2005 by fax as requested.

While clerical errors were made by myself, Wood County Educational Service Center DID in fact have all contracts signed on February 16, 2005 as demonstrated in the data above and documentation provided.

In the very recent past, the FCC has approved appeals and waivers for just the reason I have described in this documentation. We are asking for an overturning of the SLD decision or waiver of the rules on this contract date clerical error.

Sincerely,

A handwritten signature in cursive script, appearing to read "Douglas Garman".

Dr. Douglas Garman, Superintendent
Wood County Educational Service Center
1867 N. Research Drive
Bowling Green, OH 43402
wc_garman@nwoca.org 419-354-9010

A handwritten signature in cursive script, appearing to read "Edwin J. Helmlinger".

Edwin J. Helmlinger, Technology Director
Wood County Educational Service Center
1867 N. Research Drive
Bowling Green, OH 43402
wc_ejh@nwoca.org 419-354-9010

FAX 419-354-1146

attachments: Denial letter from USAC, Contract with BSB Communications, Contract with McEwen & Co, Certified Mail receipts showing date of mailing 471 form, copy of Ed Helmlinger's planner

Wood County Educational Service Center
1867 N. Research Drive
Bowling Green, OH 43402
419-354-9010
419-354-1146
wc_garman@nwoca.org



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2005-2006

May 15, 2006

Dr. Douglas Garman
Wood County Education Service Center
1867 North Research Drive
Bowling Green, OH 43402

Re: Applicant Name: WOOD COUNTY EDUCATION SERVICE
CENTER
Billed Entity Number: 16024153
Form 471 Application Number: 463990
Funding Request Number(s): 1284500, 1311052
Your Correspondence Dated: March 06, 2006

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2005 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1284500, 1311052
Decision on Appeal: **Denied**
Explanation:

- On appeal, you seek reversal of the SLD's decision to deny funding because no contract was in place when the Form 471 certification was filed. You state that the contract dates of February 17, 2005 are clerical errors. For FRN 1284500, you state that you had faxed the contract to McEwen and Company on February 16, 2005. You assert that this fax date shows the contract was signed the same day. For FRN 1311052, you assert that the contract was also completed and signed on February 16, 2005 because, as shown on your weekly planner, you had an appointment with the service provider on February 16, 2005 to sign the contract. You enclose the fax page of the signed McEwen and Company contract for support along with a copy of your weekly planner, which shows an appointment with Rick Biddle of BSB Communications on February 16, 2005 to

sign the contract. You also enclose a certified mail receipt of the mailing of the Form 471 and Item 21 attachments with a postmark date of February 16, 2005.

- Upon thorough review of the appeal letter and relevant documents, the SLD has determined that, at the time you submitted your Form 471 application, you did not have a signed contract in place with your service provider. During the application review, the authorized contact was asked to provide copies of signed and dated contracts. In the response provided to the SLD on January 17, 2006, the contracts provided have a signature date of February 17, 2005. FCC Rules state that a contract must be signed and dated on or after the Allowable Contract Date as calculated by the Form 470 posting date, but prior to the submission of the Form 471. In this case, you have not demonstrated that you have complied with FCC Rules; therefore, the appeal is denied.
- SLD has determined that, at the time you submitted your Form 471 application, you did not have a signed contract for services in place with your service provider(s) for services other than tariffed or month-to-month services. FCC rules require that applicants submit a completed FCC Form 471 "upon signing a contract for eligible services." 47 C.F.R. § 54.504(c). The FCC has consistently upheld SLD's denial of Funding Request Number(s) when there is no contract in place for the funding requested.¹ The FCC Form 471 instructions under Block 5 clearly state that you MUST sign a contract for all services that you order on your Form 471 except tariffed services and month-to-month services.² You did not provide evidence with your appeal that, at the time you signed your Form 471, you had signed a contract for eligible services. Consequently, SLD denies your appeal.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

¹ *Request for Review by Waldwick School District, Schools and Libraries Universal Service Support Mechanism*. File No. SLD-256981, CC Docket Nos. 02-6, Order, 18 FCC Rcd. 22,994, DA 03-3526 (2003).

² See Instructions for Completing the Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (October 2004) at page 20.

Dr. Douglas Garman
Wood County Education Service Center
1867 North Research Drive
Bowling Green, OH 43402

Billed Entity Number: 16024153
Form 471 Application Number: 463990
Form 486 Application Number:

Wood County Educational Service Center
639 Dunbridge Road, Bowling Green, OH 43402

Date: February 17, 2005

BSB Communications, Inc.
5660 Southwyck Blvd.
Toledo, Ohio 43614

Subject: ERATE Contract for Services, 2005
Form 470 Identifier: 896100000506177

Dear Mr. Biddle:

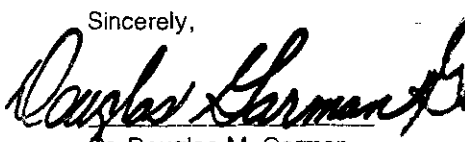
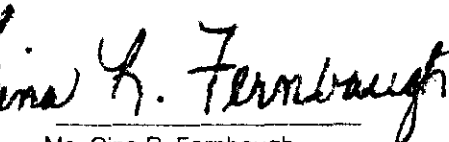
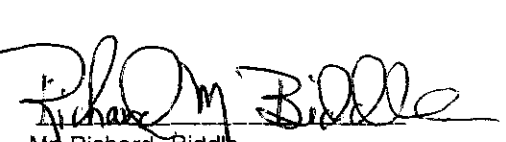
This letter is to notify you of our intent to purchase the following product(s) and/or service(s) by Contract, under the general terms of Wood County Educational Service Center and state of Ohio procurement processes, using Funding Year 2005-2006 E-rate discounts.

Form 471 Number	471 Request Number (FRN)	Product Code	Unit Price	Quantity	Total Price
463990	1311052	550.2030 InterTel 256		1	
463990	1311052	550.5200 Axxess 8 Pork WinK Voice		1	
	1311052	550.2255 Access Digital Station Card		1	
					\$
			\$		\$7050.00

The actual purchase and delivery of these products will be contingent upon the award of Funding Year 20045 E-rate discounts of at least a 80% rate, and the District's Fiscal Year 2005-2006 Budget. Upon approval of both of these items, the District will issue a purchase order for the product(s) and service(s) upon receipt of the E-rate Funding Commitment Decision Letter after which the product(s) may be delivered to the District. After delivery is made, the District will submit a Form 486 to the SLD, after which time, the vendor should invoice the District for the costs as defined within this contract.

Please feel free to contact me should you have any questions regarding this letter. We look forward to working with your company on this project.

Sincerely,

 Dr. Douglas M. Garman Superintendent 419-354-9010	 Ms. Gina R. Fernbaugh Treasurer/CFO 419-354-9010	 Mr. Richard Biddle BSB Communications 419-866-9999
--	--	---

attached copy: Item 21 ERATE Attachment Identified As: PBX-ug
Bid attachment = BSB-ug

02/16 '05 14:18 NO.599 02/07

Wood County Educational Service Center
639 Dunbridge Road, Bowling Green, OH 43402

Date: February 17, 2005

McEwen and Company
308 West Gypsy Lane Road
Bowling Green, Ohio 43402

Subject: ERATE Contract for Services, 2005
Form 470 Identifier: 896100000506177
Dear Mr. McEwen:

This letter is to notify you of our intent to purchase the following product(s) and/or service(s) by Contract, under the general terms of Wood County Educational Service Center and state of Ohio procurement processes, using Funding Year 2005-2006 E-rate discounts.

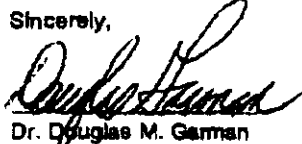
List Product(s) here, including product code, quantity, unit price and total price.


Form 471 Number	471 Request Number (FRN)	Product Code	Unit Price	Quantity	Total Price
463990	1284488	Soekris Net 4521-30	\$ 749.50	2	\$1499.00
463990	1284488	Hourly labor charge	\$ 100	12	\$1200.00
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$2699.00


The actual purchase and delivery of these products will be contingent upon the award of Funding Year 20045 E-rate discounts of at least a 80% rate, and the District's Fiscal Year 2005-2006 Budget. Upon approval of both of these items, the District will issue a purchase order for the product(s) and service(s) upon receipt of the E-rate Funding Commitment Decision Letter after which the product(s) may be delivered to the District. After delivery is made, the District will submit a Form 486 to the SLD, after which time, the vendor should invoice the District for the costs as defined within this contract.

Please feel free to contact me should you have any questions regarding this letter. We look forward to working with your company on this project.

Sincerely,


Dr. Douglas M. Gaman
Superintendent
419-354-9010


Ms. Gina R. Fernbaugh
Treasurer/CFO
419-354-9010


Mr. Scott McEwen
McEwen & Company CEO
419-354-0007

attached copy: Item 21 ERATE Attachment Identified As: ESC-1

Includes:

- Block 6
- Attachments

TEEE 2827 0000 099T E007

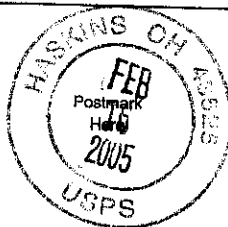
U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ 3.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.25
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.88

Sent To **SLD Forms 471**

Street, Apt. No.,
or PO Box No. **3833 Greenway Dr.**

City, State, ZIP+4 **Lawrence KS 66046**

PS Form 3800, June 2002 See Reverse for Instructions



FCC Form 471

Services Ordered and Certification Form

Block 2 & 3

Block 4

Block 5

Block 6

Applicant's Form Identifier: **WCESC-471-05**

Entity Number: **1602411**

Contact Person: **EDWIN J. HELMLINGER**

Phone Number: **(419) 354-9011**

IMPORTANT

Please record this application's information in a secure place for future reference

471 Application Number: **463990**

Entity Number of Billed Entity (Applicant): **16024153**

Security Code Number: **75753**

Form Identifier: **WCESC-471-05**

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

SLD Forms
Att: SLD Forms
3833 Greenway Dr
Lawrence KS
66046

2. Article Number

COMPLETE THIS SECTION ON DELIVERY

- A. Signature
X PEARSON SOLUTIONS Agent
☐ Addressee
- B. Received by (Printed Name)
WILLIAM
- C. Date of Delivery
FEB 22 2005
- D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

0000 1600 0000 2837 6331

2005 February

JANUARY 2005
S M T W T F S
1
2 3 4 5 6 7 8
9 10 11 12 13 14 15
16 17 18 19 20 21 22
23 24 25 26 27 28 29
30 31

FEBRUARY 2005
S M T W T F S
1 2 3 4 5
6 7 8 9 10 11 12
13 14 15 16 17 18 19
20 21 22 23 24 25 26
27 28

MARCH 2005
S M T W T F S
1 2 3 4 5
6 7 8 9 10 11 12
13 14 15 16 17 18 19
20 21 22 23 24 25 26
27 28 29 30

APRIL 2005
S M T W T F S
1 2
3 4 5 6 7 8 9
10 11 12 13 14 15 16
17 18 19 20 21 22 23
24 25 26 27 28 29 30

MAY 2005
S M T W T F S
1 2 3 4 5 6 7
8 9 10 11 12 13 14
15 16 17 18 19 20 21
22 23 24 25 26 27 28
29 30 31

JUNE 2005
S M T W T F S
1 2 3 4
5 6 7 8 9 10 11
12 13 14 15 16 17 18
19 20 21 22 23 24 25
26 27 28 29 30

JULY 2005
S M T W T F S
1 2
3 4 5 6 7 8 9
10 11 12 13 14 15 16
17 18 19 20 21 22 23
24 25 26 27 28 29 30
31

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Important this month Don Fischer 21 Boat 419 698 9762		1 Trey = Gueatman 9:30 AM 2:00 - Bill F.	2 8:30 - Home M (Bumb - Krotie)	3 10 AM Golden M	4 5 036/329	
6 037/328	7 038/327	8 039/326	9 SBC - install T7 - line	10 11 041/324	12 042/323	13 043/322 Lincoln's Birthday
14 044/321	15 045/320 Valentine's Day	16 046/319	17 18 047/318	19 048/317	20 049/316	21 050/315
22 051/314	23 052/313 Presidents' Day	24 053/312 Washington's Birthday	25 054/311	26 055/310	27 056/309	28 057/308
29 058/307	30 059/306	31 Important this month 9:00 - 3/1/05 11:52 maked ABT				

"TAKE THE 'A' TRAIN" On February 15, 1941, Duke Ellington and his orchestra recorded one of big band's all time classics. On this day, "Take the 'A' Train" became the Duke's signature song.



FEB

WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
2 8:30 - Home M (Bumb - Krotie)	3 10 AM Golden M	4 5 036/329	
9 SBC - install T7 - line	10 11 041/324	12 042/323	13 043/322 Lincoln's Birthday
14 044/321	15 045/320 Valentine's Day	16 046/319	17 047/318
18 048/317	19 049/316	20 050/315	21 051/314
22 052/313 Presidents' Day	23 053/312 Washington's Birthday	24 054/311	25 055/310
26 056/309	27 057/308	28 058/307	29 059/306
30 060/305	31 061/304		

Abate

9:00
9:00 Ins. Date
419 236 3343

3:20 → staff

Mike ADT 10 AM
Rahmari
Delta 1666
Baggage 10:30 PM

Chas
Power
10:30

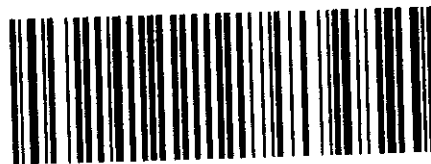
Doug Moser
9 AM date
419 236 3343

7:36 - Brad
Newer
Crt. move
Hose
Karin Hoke

5:00 PM - Pull
all NWCCA

Lynette:
Station 124-1

Ed Helmlinger
Wood County ESC
1867 N. Research Drive
Bowling Green, OH 43402



7000 1530 0001 1036 7521



Route
Tina
Delivery Point
TW-B204
OMD 06/21/06
PO# 14:41:54
Sdr WOOD COUNTY ESC
70001530000110367521

W102004RCZ

RECEIVED & INSPECTED
JUN 21 2006
FCC - MAILROOM

Federal Communications C
Office of Secretary
9300 East Hampton D
Capitol Heights, MD
20743